

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
v.)
NYDIA SHARAI BERNABEL and)
MATTHEW MARSH,)
Defendants,)
CRIMINAL ACTION
NO. 05-40025-FDS

STATUS REPORT

SWARTWOOD, C.M.J.

The following is a Status Report to Saylor, J. to whom this case is assigned:

1. Discovery

The Government has denied Defendants' requests for certain discovery. Therefore, Defendants shall file their consolidated discovery motion by December 5, 2005 and the Government shall respond to that motion by December 19, 2005.

2. Further Status Conference/Hearing

A further telephone status conference and hearing on Defendants' discovery motion shall be held in this case on December 21, 2005, at 9:00 a.m., in Courtroom 1, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts.

3. Excludable Time

At the request of the Government and with the assent of counsel for Mr. Marsh, I am excluding from the Speedy Trial Act, the period from November 29, 2005 (date of expiration of prior order of excludable time) through December 21, 2005 (date of hearing on Defendants' discovery motion). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Wednesday, March 1, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE